



414 Nicollet Mall
Minneapolis, Minnesota 55401-1993

October 25, 2006

Mr. Scott Hansen
Remedial Response Branch, Region V
USEPA (SR-6J)
77 West Jackson Blvd.
Chicago, IL 60604

EPA Region 5 Records Ctr.



313805

RE: Response to October 18, 2006 Letter Regarding RI/FS Schedule Modification Request
Ashland/NSP Lakefront Superfund Site

Dear Mr. Hansen:

Thank you for your letter responding to NSPW's September 12, 2006 schedule modification request, and the subsequent September 22, 2006 Candidate Technologies and Testing Needs Technical Memorandum. Your letter also acknowledged our recent meeting in Madison on October 12th where we discussed the Agency's comments to the draft RI report and associated documents. NSPW offers the following response to the issues presented in your letter.

1. Need for time to respond and resolve technical comments

NSPW agrees that several technical issues were resolved during the course of our discussions on the RI reports during the October 12th meeting. In accordance with our agreement at the meeting and your letter, formal written responses to the Agency comments will be submitted on October 27, 2006. However, we also believe several issues require further discussion before moving toward final RI report submittal. These issues will be addressed in the responses. These include, but are not limited to:

- The parameter list for the RI report which you provided concurrent with your October 18th letter; the list identifies those contaminants proposed to be described separately to determine the nature and extent of contamination in the RI report. We do not believe this extensive list is consistent with Task 4(D-G) of the Statement of Work ("SOW") appending the AOC.
- Resolution of the interpretation of bioassay results in the Baseline Ecological Risk Assessment report, and use of those and other results for the basis of proposed remedial action objectives.

2. Need for treatability studies

1) Sequence of submittals

NSPW does not agree that the Candidate Technologies and Testing Needs Technical Memorandum submitted on September 22nd was “submitted out of sequence and is not in accordance with the order of reports as required in the EPA approved work plan.” Task 6(B)(1) of the SOW anticipates this submittal as early as project planning (Task 1) and in any event no later than submittal of the Alternatives Screening Technical Memorandum. Section 4.6.1 of the approved February 2005 work plan and Task 5(A)2 of the SOW requires submittal of the Alternatives Screening Technical Memorandum within 30 days after receipt of EPA’s comments on the Remedial Action Objectives (RAOs)/Technical Memorandum.

NSPW acknowledges that it received comments on the draft Remedial Action Objectives Technical Memorandum in Specific Comments 60 and 61 in the comments to the draft RI report, and in General Comments 3 and 9 in the comments to the draft BERA. Specifically, EPA comment 61 states *The RAOs should be revised to address revisions to the RI, Human Health Risk Assessment and Ecological Risk Assessment. Thorough review of the RAOs will be performed once the Human Health Risk Assessment and Ecological Risk Assessment are in good shape.* Consistent with this comment, the RAOs need to be finalized before complete screening for implementability and effectiveness can occur. This comment indicates to NSPW that EPA anticipates more thoroughly reviewing a yet to be submitted, revised RAO Technical Memorandum and perhaps this is the genesis of the comment that the submittal of the Candidate Technologies and Testing Needs Technical Memorandum is “out of order.” Until technical issues are resolved, however, there is no basis for revising the RAO Technical Memorandum. Thus, NSPW respectfully suggests it is not appropriate to toll the 30-day clock for submission of the Alternatives Screening Technical Memorandum until the technical issues impacting the RAOs are resolved.

The letter also asserts that the Candidate Technologies and Testing Needs Technical Memorandum does not present a list of candidate technologies and does not provide a rationale as to why the technical memoranda cannot be completed without treatability testing. Not only is such a rationale not required by the SOW -- see Task 6(B)(1) -- but it is only the flipside of the same coin indicating why the treatability testing is needed. Each of the sections describing the proposed testing for both Phase I and Phase II introduces a “Why Needed” subsection. These explanations were intended to provide the rationale for the proposed technologies and intuitively, the rationale for why the alternatives screening required cannot be accomplished without the testing. The letter further states that “candidate technologies are known to be demonstrable and sufficient information exists to complete the FS without performing all the tests presented” This statement, however, does not consider whether these technologies are implementable given the unique conditions at the Ashland site.

2) Capping versus dredging

The letter asserts that many of the technologies proposed for analysis attempt to aid in the evaluation of capping as a remedial alternative. However, of the twelve treatability tests proposed, ten are designed to provide data on the implementability of dredging. Due to the unique conditions of wood waste in sediments, filled land at Kreher Park consisting of wood waste, high levels of NAPLs/contaminants in sediments, and the

surface water/groundwater interaction with the fill, the primary purpose of this testing is to assess the viability of either a partial or complete dredging alternative. NSPW is not attempting to focus this testing to a site-wide capping alternative.

3) Cap flux testing

This testing is proposed to evaluate the viability of a cap design. However, it will not be superfluous if high levels of NAPL result in bubble release (ebullition) that could eliminate capping as a viable alternative. This issue cannot be resolved by literature studies.

NSPW agrees with the statement “establishing site remedial goals and basic screening of alternatives needs to be accomplished prior to undertaking extensive, long term bench scale studies.” Accordingly, we developed the proposed schedule described in our September 12th letter to meet the intent of the original work plan. As stated we proposed submitting the draft FS in November 2007 within one month of the February 2006 revised approved schedule. This is eight months beyond EPA’s target date of March 2007 described in the October 18th letter.

4) Bench air emissions testing

The St. Louis River remedial action at Duluth Harbor was delayed for more than two years after the Record of Decision (“ROD”) was issued because of the public’s and the PRPs’ adverse reactions to dredging as the selected alternative. Bench scale studies during the design phase resulted in a revision to the original ROD which included a partial cap in areas where high levels of naphthalene resulted in unacceptable air emissions. The Ashland site also has high levels of naphthalene in sediments and, in addition, has very high levels of benzene present. Benzene has a much lower air emissions standard than does naphthalene. Given the experience at Duluth, NSPW suggests that the Agency not defer this issue until the remedial design phase without an extensive evaluation. We believe this issue should be explored in detail prior to the ROD, or implementation of the remedy may be delayed for a time period well beyond the eight months contemplated for the Ashland site.

NSPW respectfully requests that EPA reconsider its decision rejecting all forms of Treatability Testing. We believe the overall project timeline still provides an advantage to collecting samples and performing the testing in the time frame proposed in the September 22nd work plan.

3. EPA’s proposed schedule

1) Submission of responses to RI reports by October 27, 2006

NSPW response: NSPW will submit responses to the Agency’s comments to the various RI documents on Friday, October 27th.

2) Submission of Alternative Screening Technical Memorandum 30 calendar days after receipt of EPA’s comments to RAO Technical Memorandum For the purposes of

this recommendation it is assumed that the Alternatives Screening Technical Memorandum will be submitted on October 27, 2006.

NSPW response: The Alternative Screening Technical Memorandum cannot be submitted on that date for the reasons described in 1) above. NSPW has received minimal feedback/comments on the draft RAO Technical Memorandum and in accordance with the Agency's request, discussed these comments at our meeting on October 12th. Critical technical issues impacting the RAOs remain unresolved. The comments received to date, particularly those associated with the RAO Technical Memorandum, are in a state of such uncertainty that we cannot proceed with the alternatives screening as directed in the approved work plan or the SOW. Consequently, we cannot provide the Alternatives Screening memorandum without further input from the Agency. In lieu of a specific date, NSPW proposes the Alternative Screening Technical Memorandum be submitted within 30 days after receipt of formal EPA comments on the revised RAO Technical Memorandum. See SOW Task 5(A)2.

- 3) Submission of Comparative Analysis of Alternatives Memorandum 30 days after receipt of EPA's comments to Alternatives Screening Technical Memorandum. The deliverable will be due by December 18, 2006.

NSPW response: NSPW will submit the Comparative Analysis of Alternatives Memorandum within 30 days after receipt of EPA's comments on the Alternatives Screening Technical Memorandum, but no date can be determined at this time as noted in response to milestone 2 above.

- 4) Submission of Draft FS report 45 days after receipt of EPA's comments to Comparative Analysis of Alternatives Memorandum. The deliverable will be due by March 2, 2007.

NSPW response: As per the SOW NSPW will submit the draft FS within 45 days after receipt of EPA's comments to the Comparative Analysis of Alternatives Memo, but no date is presently determinable as noted in responses to milestones 2 and 3 above.

- 5) The SITE demo information should be available by the time we finalize the FS documents

NSPW response: NSPW agrees that the SITE demo information is imperative for completing the FS documents and anticipates as you stated in your letter that the SITE Technology Capsule should be available around May 2007.

We recognize that deferring the Alternatives Screening memorandum will further delay the Agency's proposed schedule. However, we also recognize and emphasize that we are obligated to follow the process as promulgated in the AOC, SOW and approved work plan. We propose to discuss these important issues with you as soon as possible so we may mutually proceed to complete the RI/FS in a timely and efficient manner.